

criteria the SEA will use to award subgrants to LEAs and IEUs, including any priorities established by the SEA under § 304.51(b) (see § 304.40 and subpart F, “What Conditions Must Be Met by an SEA, LEA, or IEU?”).

(Approved by the Office of Management and Budget under control number 1820-0534)

(Authority: 20 U.S.C. 1406)

[50 FR 29330, July 18, 1985, as amended at 53 FR 6945, Mar. 3, 1988]

§§ 304.12—304.14 [Reserved]

APPLICATION FROM THE SECRETARY OF THE INTERIOR

§ 304.15 Submission of an application by the Secretary of the Interior.

In order to receive a grant under this part, the Secretary of the Interior shall submit an application that is consistent with the requirements under § 304.11.

(Authority: 20 U.S.C. 1406)

[53 FR 6945, Mar. 3, 1988]

§ 304.16 Applicable regulations.

The Secretary of the Interior shall comply with all the requirements that apply to SEAs under subparts A, C, F, and G of this part.

(Authority: 20 U.S.C. 1406)

[53 FR 6945, Mar. 3, 1988]

§§ 304.17—304.19 [Reserved]

Subpart C—How Does the Secretary Make a Grant?

§ 304.20 Amount of a grant.

(a) For the purpose of this section—

(1) The term *Insular Area* means American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands; and

(2) The term *children with disabilities* means the number of children with disabilities determined by the Secretary—

(i) Under section 611 of the Act, to be receiving special education and related services; or

(ii) In average daily attendance at schools for children with disabilities or supported by a State agency within the meaning of section 1221 of chapter 1 of

title I of the Elementary and Secondary Education Act of 1965.

(b) The amount of an SEA’s grant under this part for a State other than an Insular Area is determined by—

(1) Dividing the number of children with disabilities in that State by the total number of children with disabilities in all States submitting approvable applications under this part; and

(2) Multiplying that fraction by the amount of funds available for grants under this part minus the amount reserved under paragraphs (c) and (d) of this section.

(c) The Secretary reserves up to one-half of one percent of the aggregate of the amounts available under this part for grants to Insular Areas. Funds reserved by the Secretary for the Insular Areas are allocated proportionately among them on the basis of the number of children ages three through twenty-one in each Insular Area. However, no Insular Area may receive less than \$15,000, and allocations within these jurisdictions are ratably reduced, if necessary, to ensure that each Insular Area receives at least that amount. Allocations within these jurisdictions are further ratably reduced if the amount reserved is insufficient to provide \$15,000 to each Insular Area.

(d) From any appropriation enacted after September 30, 1986, the Secretary reserves up to 1.25 percent of the aggregate amount available under this part for a grant to the Secretary of the Interior to be used on reservations served by schools operated for Indian children by the Department of the Interior.

(Authority: 20 U.S.C. 1406)

[50 FR 29330, July 18, 1985, as amended at 53 FR 6945, Mar. 3, 1988; 56 FR 54689, Oct. 22, 1991]

§ 304.21 Reallocation of excess funds.

The Secretary may reallocate funds—or portions of those funds—made available to the Secretary of the Interior or to a State educational agency under this part if the Secretary determines that the Secretary of the Interior or the State educational agency cannot use the funds in a manner consistent with the requirements of applicable statutes and the regulations in this part. Any reallocation is made on the

§§ 304.22—304.29

same basis as grants are determined under § 304.20.

(Authority: 20 U.S.C. 1406)

[53 FR 6945, Mar. 3, 1988]

§§ 304.22—304.29 [Reserved]

Subpart D—How Does an LEA or IEU Apply to an SEA for a Subgrant?

§ 304.30 Submission of an application to the SEA.

In order to receive funds under this part for any fiscal year, an LEA or IEU shall submit an application for a subgrant to the appropriate SEA.

(Authority: 20 U.S.C. 1406, 3474(a))

§ 304.31 LEA and IEU applications.

An LEA or IEU shall include in its application any information that is required by the SEA in order to fulfill its responsibilities under this part.

(Authority: 20 U.S.C. 1406, 3474(a))

§§ 304.32—304.39 [Reserved]

Subpart E—How Does an SEA Make a Subgrant?

§ 304.40 Amount of a subgrant to an LEA or IEU.

(a) The SEA shall determine the amount of a subgrant to an LEA or IEU based on—

(1) The size, scope, and quality of the proposed project; and

(2) Any other relevant criteria developed by the SEA and included in the SEA application approved by the Secretary.

(b) The SEA may establish minimum and maximum amounts for subgrants.

(Authority: 20 U.S.C. 1406)

§ 304.41 Reallocation of excess funds.

(a) The SEA may reallocate funds provided for subgrants under this part if an LEA or IEU cannot use the funds in a manner consistent with the requirements of section 607 of the Individuals with Disabilities Education Act and the requirements in this part.

(b) The SEA shall reallocate funds in accordance with the criteria and prior-

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ities for approving subgrants in its approved application.

(Authority: 20 U.S.C. 1406)

[50 FR 29330, July 18, 1985, as amended at 56 FR 54689, Oct. 22, 1991]

§§ 304.42—304.49 [Reserved]

Subpart F—What Conditions Must Be Met by an SEA, LEA, or IEU?

§ 304.50 Standards for the removal of architectural barriers.

The alteration of existing buildings and equipment under this part must be done consistently with standards adopted by the General Services Administration (GSA) under Pub. L. 90–480, the Architectural Barriers Act of 1968. However, the dimensions set out in those standards may be modified as appropriate considering the age groups of the individuals who will use the buildings or equipment.

NOTE: On August 7, 1984, the GSA adopted new standards under the Architectural Barriers Act (49 FR 31528) and incorporated them by reference at 41 CFR 101–19.603 (49 FR 31625).

(Authority: 20 U.S.C. 1406)

§ 304.51 Project priorities.

(a) An SEA may establish priorities for the use of funds made available under this part. The SEA may, for example, give special consideration to projects that will meet the special needs of urban or rural locations, or that will facilitate the transition of children with disabilities and individuals with disabilities from school to work.

(b) The Secretary encourages States to use their funds for activities that will—

(1) Make available to children with disabilities the variety of educational programs and services available to non-disabled children in the area served by the LEA or IEU;

(2) Provide nonacademic and extra-curricular services and activities in a manner that affords children with disabilities opportunity for participation in these services and activities; and

(3) Provide assessibility to individuals with disabilities involved in the education of children with disabilities